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**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

19 5113

FRATERNAL ORDER OF POLICE
LODGE No. 5, by its guardians and ad litem, JOHN
MCNESBY, President and JOHN MCGRODY, Vice
President,

Plaintiff,

v.

**Civil Action No. 2592 September,
2019**

**Court of Common Pleas of
Philadelphia**

CITY OF PHILADELPHIA, its Officials Agents,
Employees and Assigns; JIM KENNEY, in his official
capacity as Mayor of the City of Philadelphia; ROB
DUBOW, in his official capacity as Finance Director of the
City of Philadelphia; RASHEIA R. JOHNSON, in her
official capacity as Treasurer of the City of Philadelphia

Defendants.

NOTICE OF FILING OF REMOVAL

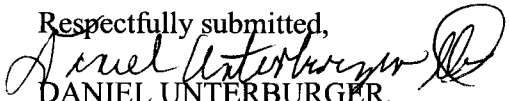
TO; Ralph J. Teti, Esquire
Willig, Williams & Davidson,
Attorneys At La
1845 Walnut St. – 24th fl.
Philadelphia, Pa 19103

PLEASE TAKE NOTICE THAT on October 30, 2019,
defendant, City of Philadelphia, filed in the office of the Clerk of
the United States District Court for the Eastern District of
Pennsylvania a verified Notice of Removal.

A copy of this Notice of Removal is attached hereto and
is also being filed with the Clerk of the Court of Common Pleas

Date: October 30, 2019

Respectfully submitted,


DANIEL UNTERBURGER,
Assistant City Solicitor
Attorney I.D. 324929
City of Philadelphia, Law Department
1515 Arch Street, 16th Floor
Philadelphia, Pa 19102
215-683-5080



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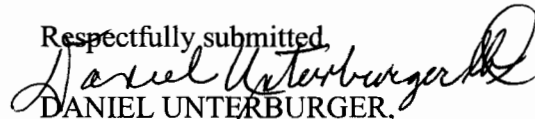
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Attorneys for Defendants

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FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

**FRATERNAL ORDER OF POLICE
LODGE No. 5, et al.,**

Plaintiffs,

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CITY OF PHILADELPHIA, et al.,

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CIVIL ACTION No. 19-5113

**NOTICE OF REMOVAL OF ACTION
UNDER 28 U.S.C. § 1441(b)
(FEDERAL QUESTION)**

NOTICE OF REMOVAL

TO THE CLERK OF THE COURT:

PLEASE TAKE NOTICE that Defendants the City of Philadelphia, Jim Kenney, Rob Dubow, and Rasheia R. Johnson, by and through undersigned counsel, hereby remove to this Court the state court action described below.

1. On or about September 19, 2019, an action was commenced by Plaintiffs in the Pennsylvania Court of Common Pleas for Philadelphia County, captioned as above and assigned case number 19-09-02592.

2. Defendants were subsequently served with Plaintiffs' First Amended Complaint on October 28, 2019. Pursuant to 28 U.S.C. § 1446(b), this notice has been timely filed.

3. This action is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1331, and is one which may be removed to this Court by Defendants pursuant to the provisions of 28 U.S.C. § 1441(c) in that it arises under the laws of the United States, specifically the Fair Labor Standards Act (“FLSA”).

WHEREFORE, Defendants the City of Philadelphia, Jim Kenney, Rob Dubow, and Rasheia R. Johnson respectfully request that this action be docketed in the United States District Court for the Eastern District of Pennsylvania.

Respectfully submitted,

**CITY OF PHILADELPHIA
LAW DEPARTMENT**

/s/ Daniel R. Unterburger
DANIEL R. UNTERBURGER
Assistant City Solicitor

Dated: November 1, 2019